IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.6010 OF 2005

Bhausaheb Shripatrao Desai, .. Petitioner

Vs

Sanjay Pandurang Khamkar, .. Respondent

Mr G.M.Savagave,for the petitioner.

Mr Vijay Killedar, for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 04.10.2005.

PC:

1. Heard the learned counsel for the parties.

2. This petition is directed against the order dated 2.8.2005 passed by the trial Court below Exhibit-19 in Regular Civil Suit No.84 of 2004 rejecting the petitioner's application for appointment of Court Commissioner. Mr.Savagave, learned counsel for the petitioner, submits that such prayer was made to bring on record that there exist drip irrigation and Chikku

garden in the suit land. In my opinion, the trial Court has rightly rejected the application for appointment of the Court Commissioner holding that the Court Commissioner cannot be appointed for collecting evidence. I find absolutely no infirmity in the order warranting interference in the order, impugned in this petition, under Article 227 of the Constitution of India. The writ petition, therefore, fails and is dismissed as such.

(D.B.BHOSALE, J.)